

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 12/12//01 Item:

File Number  
PDC01-07-080

Application Type  
Planned Development Rezoning

Council District  
3

Planning Area  
Central

Assessor's Parcel Number(s)  
264-38-053

### PROJECT DESCRIPTION

Completed by: John Davidson

Location: Southwest corner of Almaden Avenue and Oak Street (905 Almaden Avenue).

Gross Acreage: 0.16

Net Acreage: 0.16

Net Density: 25 DU/AC

Existing Zoning: CN Commercial

Existing Use: vacant

Proposed Zoning: A(PD) Planned  
Development

Proposed Use: up to 4 single-family attached dwelling units

### GENERAL PLAN

Completed by: JED

Land Use/Transportation Diagram Designation  
Medium High Density Residential (12-25 DU/AC)

Project Conformance:  
☒ Yes   ☐ No  
☐ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: JED

North: Multi-family Residential

CN Commercial

East: Elementary School

CN Commercial

South: Commercial

CN Commercial

West: Residential

R- M Residence

### ENVIRONMENTAL STATUS

Completed by: JED

☐ Environmental Impact Report certified  
☐ Negative Declaration circulated on  
☐ Negative Declaration adopted on

☒ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: JED

Annexation Title: Original City

Date: March 27, 1850

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions  
☐ Denial

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### APPLICANT/OWNER

Luke Bolinger  
3323 Burgundy Drive  
San Jose, CA 95132

ASE Consulting Engineering, Inc.  
255 N. Market Street  
San Jose, CA 95110

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**PUBLIC AGENCY COMMENTS RECEIVED**

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Completed by: JED

**Department of Public Works**

See attached memo

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**Other Departments and Agencies**

See attached memos from Fire Department, Airport Department.

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**GENERAL CORRESPONDENCE**

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None received

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant is proposing a Planned Development Rezoning from CN Commercial to A(PD) to allow up to 4 single-family attached dwelling units on a 0.16-acre site at the southwest corner of Almaden Avenue and Oak Street. The CN Commercial Zoning District permits residential uses only as part of a mixed-use development (ground floor commercial with residential above). The building as proposed could be built under the standards of the R-M Residence Zoning District; however, the applicant is processing a Planned Development Rezoning in the event that they decide to offer the units for sale as fee-simple parcels.

The subject site is currently vacant, with three ordinance-size trees, all proposed for removal. The site is surrounded by duplex and single-family residences to the west, multi-family residences to the north, commercial to the south and by the Washington Elementary School to the east across Almaden Avenue.

The project proposes a single structure built at grade, containing four units placed side-by-side. The building architecture features walls finished in stucco and a varied roof form with dormers and hipped elements finished with composition shingles. Each unit features three bedrooms, an attached one-car garage, and a private rear yard. Each unit is allotted an open parking space accessed from the driveway that runs behind the property, parallel to Almaden Avenue.

**ENVIRONMENTAL REVIEW**

The Director of Planning has determined that this project is exempt from further environmental review under the provisions of 15303(b) of the California Environmental Quality Act. The project will not have an unacceptable negative impact on the environment.

The project also includes removal of three ordinance-size trees, including a Black Walnut. Tree replacement mitigation at a ratio of four-to-one has been incorporated into the project to offset loss of these trees.

**GENERAL PLAN CONFORMANCE**

The proposal, at a net density of 25 DU/AC, is consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Medium High Density Residential (12-25 DU/AC).

## ANALYSIS

The primary project issue is conformance with the Residential Design Guidelines. Staff believes the project meets or exceeds the applicable guidelines as described below.

**Height.** The project proposes a maximum building height of 3 stories and 35 feet. This is in keeping with the allowed height of 3 stories and 45 feet allowed under the R-M Residence Zoning District, which would be the appropriate standard zoning district for the subject property, given the General Plan Land Use Designation. The proposed project is also consistent with the surrounding properties, which are zoned CN Commercial to the west, and R-M Residence to the East, and are subject to 45-foot height limit.

**Setbacks.** The front setback of 15 feet is in keeping with the pattern of development found along the west side of Almaden Avenue, and is consistent with the 15-foot setback required in the R-M Residence Zoning district, which is the zoning designation used for setback comparison. The interior side setback of 12 feet is greater than the 5 feet normally required. The corner side setback is 9 feet, which is also greater than the 7.5 required. Lastly, the rear setback of 33 feet (measured from the center of the alley behind the property, as permitted by Zoning Ordinance Section 20.30.220) is greater than the 25 feet required in the R-M Residence Zoning district.

**Parking.** The project proposes eight spaces (four within garages and four open) for four units. The requirement for three-bedroom multi-family dwelling units is normally 2.2 parking spaces per unit (nine spaces total), when one garage space per unit is provided. However, the project is eligible for a 10% reduction in parking, because the project site is within 2,000 feet of an existing rail stop (the Virginia Street LRT stop), per Code section 20.90.220. The eight spaces provided are therefore consistent with the Zoning Ordinance. Additionally, four apron spaces are provided. With two street frontages, there would also be several on-street parking spaces in the right-of-way adjacent to the project.

**Open Space.** At four units on 0.16 acres, the project is too small to require common open space. 340 square feet of private open space is provided for each unit, more than the 300 square feet of open space required for garden townhouses, a similar development style in the Residential Design Guidelines. The two end units will access the private open space through the dining room, while the two center units will access their private open space through their garage. Although these open spaces have a minimum dimension of 13 feet, slightly smaller than the 15 feet required in the Residential Design Guidelines, the spaces will provide usable, quality private open space to residents.

**Architecture.** The project architecture features quality building materials, including stucco and composition shingle roofing material. Building wall planes are well articulated with stoops and covered porches. The front unit facing Almaden Avenue features an attractive front porch treatment directly accessible from the sidewalk on the street. The Oak Street façade has the garage doors recessed five feet from the rest of the façade. The project architecture will continue to be refined at the Planned Development Permit stage to ensure quality detailing, including windows, trim details, finishes, and colors combine to produce a worthy development.

**Access from the Adjacent Alley.** Four of the parking spaces are accessed from the alley directly behind the project site, which runs parallel to Almaden Avenue. This alley was designated for potential closure in the Washington Neighborhoods Revitalization Plan. However, the proposed development will not affect closure of the alley, because the site is the first property to take access from the alley. The rest of the alley can be closed without affecting the project site. In case of closure, the applicant will have to either obtain an ingress/egress easement from the property owner directly across the alley from the subject site, or buy the half-section of the closed alley from that property owner. The Department of Public Works supports the proposed project access

from the alley.

In conclusion, staff believes the project has successfully responded to the surrounding neighborhood context, has provided an appropriate interface with surrounding land uses, and provides adequate amounts of parking and open space to serve residents.

### **COMMUNITY OUTREACH**

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site.

### **RECOMMENDATION**

Planning staff recommends the Planning Commission forward a recommendation of approval and the City Council adopt an ordinance rezoning the subject site for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use Diagram Designation of Medium High Density Residential (12-25 DU/AC).
2. The proposed project conforms to the applicable Residential Design Guidelines and will be compatible with the surrounding neighborhood.

C: Luke Bolinger, 3323 Burgundy Drive, San Jose, CA 95132

### **ATTACHMENTS**

Location Map  
General Development Plan Conditions "Exhibit A"  
CEQA Statement of Exemption  
City Department Memos  
Plan Set